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FISCAL IMPACT STATEMENT

LS 7327

BILL NUMBER: HB 1580

NOTE PREPARED: Feb 10, 2005

BILL AMENDED: Feb 10, 2005

SUBJECT: Employment Absence for certain Emergency Volunteers.

FIRST AUTHOR: Rep. Davis

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill prohibits a private employer from disciplining an employee who is a volunteer firefighter or a member of a volunteer emergency medical services association for being late to work when the employee is responding to a fire or an emergency call.

It authorizes a private employer to: (1) request proof that the employee was engaged in fire or emergency activity when absent; and (2) require the employee to notify the employer of the expected absence before the scheduled start time. The bill provides that an employer other than the state is not required to pay salary or wages for volunteer firefighting time away from employment, although other accrued benefit remuneration may be paid.

This bill also provides that an employer may designate an employee as an essential employee and reject the employee's notification of expected absence. The bill specifies that the agent of a public employer other than the state who has authorized an absence for volunteer firefighting purposes has not committed ghost employment.

The bill makes a conforming change regarding the statute of limitations for an action brought by a volunteer firefighter against a political subdivision employer disciplined for being absent from employment while responding to an emergency.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Court Fee Revenue:* According to current statute, an employee of a political subdivision employer, who volunteers as a firefighter and is disciplined for being absent from work because of responding to a fire or emergency, may bring a civil action against the employer. In the action, the employee may seek payment for back wages, reinstatement to a former position, fringe benefits, and seniority benefits wrongly denied the employee.

This bill expands the definition of an employer to include private employers. Expanding the definition of an employer increases the potential for civil actions to be filed. This bill also includes a member of a volunteer emergency medical services association in the definition of a person that may bring a civil action of this nature. Allowing more people to initiate these actions also increases the potential for civil actions to be filed.

If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

The bill also provides an employer with the ability to curtail the potential for a civil action in situations which the volunteer firefighter or emergency medical persons are also one of the employer's essential employees (as defined in the bill). This provision will likely mitigate the increased potential for civil actions that could result from the other provisions in the bill.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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